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May 21, 2015

VIA ECF

Hon. Arthur D. Spatt
United States District Judge
United States District Court
100 Federal Plaza
P.O. Box 9014
Central Islip, New York 11722
Courtroom 1020
Telephone: (631) 712-5620

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ MAY 22 2015 ★

LONG ISLAND OFFICE

Re: Schwartzco Enterprises, LLC et al v. TMH Management, LLC et al
U.S.D.C., S.D.N.Y. Index No. 2:14-cv-01082-ADS-GRB
"Suggestion of Bankruptcy" of Defendant Justin Rosberg

Dear Judge Spatt:

We are counsel for Plaintiffs. We write to inform the Court that apparently on 12/10/2014, Defendant Justin Rosberg filed a voluntary Chapter 7 proceeding *pro se* in the United States Bankruptcy Court for the District of New Hampshire (Manchester), bearing Index. No. 14-12365-JMD (the Rosberg Bankruptcy). Defendant Rosberg did not list this instant matter on his petition in the Rosberg Bankruptcy as a potential contingent claim, and did not list Plaintiffs as potential creditors. Plaintiffs therefore did not have any notice of the Rosberg Bankruptcy, and only recently learned of it independently through counsel's research. (Upon information and belief, Defendant Rosberg was, or should have been, aware of Plaintiffs' claims against him, See e.g. Dkt. No. 15, 6/12/14 Aff. of Service Upon Defendant Rosberg).

For the Court's convenience, true and correct copies of the docket of the Rosberg Bankruptcy and the creditor's matrix in the Rosberg Bankruptcy (which does not list Plaintiffs for "notice"), are attached hereto as composite "Exhibit A."

Plaintiffs respectfully submit that as a result of Defendant Rosberg's filing for bankruptcy protection, this action is stayed with respect to him under 11 U.S.C. §362 (unless this Court wishes to exercise and retain jurisdiction over this dispute).

Plaintiffs therefore respectfully request either (1) confirmation from this Court that this action is stayed with respect to the claims concerning Defendant Rosberg, so that they can proceed with this matter against the other defendants, or (2) confirmation that this Court chooses to retain and exercise jurisdiction over Plaintiffs' claims with respect to Defendant Rosberg. Plaintiffs alternatively request all such further relief as may be just and equitable under the circumstances.

Respectfully Submitted,

/s/
John A. Karol (JK-9899)

cc: William Kelly, Esq. (via ECF)
Andrew Zacharda, Esq. (via ECF)
Tompkins McGuire Wchenfeld & Berry LLP
Counsel for Defendant Brown

The Court confirms the operation
of the automatic stay under
11 U.S.C. § 362(a) as to the defendant
Justin Rosberg. See Supernova 330 LLC
v. Gazes, 693 F.3d 138, 141 (2d. Cir. 2012).
So ordered.

s/ Arthur D. Spatt

Arthur D. Spatt, U.S.D.J.
5/22/15